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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,833	11/15/2005	Cristina Gomila	PU040092	1687

24498 7590 09/30/2011
Robert D. Shedd, Patent Operations
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EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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09/30/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/556,833	GOMILA ET AL.	
	Examiner	Art Unit	
	STEPHEN M. BRINICH	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-28 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 2-6,8,11-13,16-20 and 22-25 is/are allowed.
- 7) ☒ Claim(s) 1,9,10,14,15 and 26-28 is/are rejected.
- 8) ☒ Claim(s) 7 and 21 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/12/11, 9/15/11</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 9-10, 14-15, & 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlockerman et al ("Film grain coding in H.264/AVC"), cited in 9/12/2011 Information Disclosure Statement).

Re claims 1 & 15, Schlockerman et al discloses (Introduction) a method and means for providing film grain information in which image information is characterized by an input image information stream and a filtered (film grain removal filter) stream to provide film grain information. The film grain is then characterized by one parameter among a set of possible parameters (a representative macroblock is encoded out of the set of possible macroblocks) and encoded for subsequent transmission.

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Re claims 9-10, Schlockerman et al discloses (Figure 1) transmission channels for the image representative information and the film grain information. Depending on whether the recited (and not further specified) "band" is defined to include one or both of these channels, the film grain information is thereby transmitted either in band or out of band with respect to the image representative information.

Re claims 14 & 26, Schlockerman et al discloses the use of the standard H.264 encoding, specifically referencing the ITU-T standard ("References" item [1]).

Re claims 27-28, Schlockerman et al discloses that the film grain information is encoded separately from the image information for subsequent transmission (sections 2-2.1) and used to enable film grain simulation upon decoding (section 2.2).

Allowable Subject Matter

3. Claims 2-6, 8, 11-13, 16-20, & 22-25 are allowed.
4. Claims 7 & 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

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Re claims 2 & 16 (and dependent claims 3-6, 8, 11-13, 17-20, & 22-25), the art of record does not teach or suggest the recited selection of a plurality of correlation parameters and a plurality of intensity-independent parameters in conjunction with the recited characterization of film grain by one parameter among a set of possible parameters.

Re claims 7 & 21, the art of record does not teach or suggest the recited selection of a parameter defining intensity of a random component of the film grain in conjunction with the recited characterization of film grain by one parameter among a set of possible parameters.

Conclusion

6. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

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If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor James Thompson can be contacted at 571-272-7441.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

/Stephen M Brinich/

Examiner, Art Unit 2625